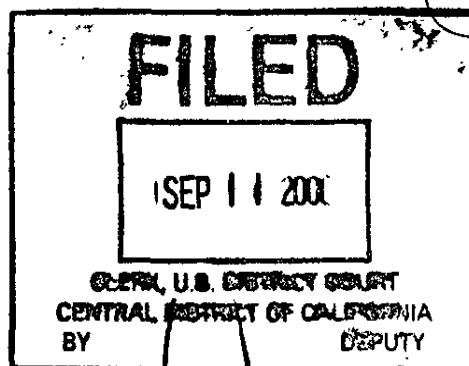


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CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY

1 COUNSEL LISTED ON SIGNATURE PAGES



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 United States of America, et al.,

CASE NO. CV 903122-R

12 Plaintiffs,

STIPULATED ~~PROPOSED~~ ORDER
REGARDING USE OF CERTAIN
DEPOSITIONS AT TRIAL

13 v.

14 Montrose Chemical Corporation of
California, et al.,

15 Defendants.

16 _____
17 And Related Counterclaims, Cross-Claims
and Third-Party Actions.

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1 WHEREAS, during the course of this action, plaintiffs have deposed the
 2 following former employees of Montrose Chemical Corporation of California: Vincent Anicich,
 3 Bernard Bratter, Walter Carey, Guy DiMichele, Jack Fitzgerald, Charles Gardner, Lane Hodgin,
 4 John Kallok, Vernon Shehan, Ferdinand Suhrer, and Kurt Weston;

5 Whereas some of those witnesses were examined at length, and some of them are
 6 of advanced age;

7 Whereas all parties desire to accommodate these witnesses and to save the Court's
 8 time;

9 Whereas some of the witnesses fall within the purview of Federal Rule of Civil
 10 Procedure 32(a) so that depositions may be used, but others may not fall precisely within the
 11 ambit of Rule 32(a);

12 Whereas, pursuant to Local Rule 9.4.9, plaintiffs and defendants have identified
 13 the excerpts of such individuals' deposition testimony that each party intends to present at trial,
 14 plaintiffs have designated rebuttal testimony and, pursuant to agreement of the parties,
 15 defendants will finalize their rebuttal testimony for such witnesses by September 9, 2000, and all
 16 parties will make any objections to the identified deposition excerpts by September 12, 2000.

17 Plaintiffs, Defendants, and Counter-Claim Defendants stipulate, and the Court
 18 orders as follows:

19 1. The following witnesses shall testify in trial only by deposition
 20 designation: Vincent Anicich; Bernard I. Bratter; Walter Carey; Guy A. DiMichele; Jack
 21 Fitzgerald; Charles Lee Gardner; Lane Hodgin; John L. Kallok; Vernon (Joseph) Shehan;
 22 Ferdinand Suhrer; and Kurt M. Weston.

23 2. Cross examination and re-direct of all witnesses listed in Paragraph 1 shall
 24 be only by deposition designation.

25 3. The deposition testimony of each such witness shall have the same force
 26 as if the witness had been called to testify live.

27 4. All parties may rely on the testimony offered under this stipulation, and no
 28 party shall be required to show the existence of any of the circumstances set forth in Rule 32(a)

1 to offer the deposition testimony.

2 5. All parties reserve the right to object to the admissibility of such evidence
3 on grounds other than Federal Rule of Civil Procedure 32(a) (3), and to make any arguments
4 going to the weight of the testimony.

5 6. The deposition testimony to be presented shall be that identified in
6 compliance with Local Rule 9.4.9 as described above. In addition, the parties may mark the
7 deposition testimony on copies of certified copies of the deposition transcripts for the individuals
8 identified in Paragraph 1.

9 7. Transcripts marked pursuant to Local Rule 9.4.9 and Paragraph 6 shall be
10 lodged with the Court on September 19, 2000, and the parties will file indices of the marked
11 portions in compliance with Local Rule 9.4.9 on September 19, 2000. The indices will include a
12 list of objections and the grounds therefore. The Court will rule on the objections on October 2,
13 2000, at 10:00 a.m.

14 8. Marked deposition testimony for which no objection has been sustained
15 will be accepted as testimony without being read out loud in Court. However, the parties may
16 read pertinent portions of any such deposition testimony out loud at the option of the party
17 offering the testimony.

18 IT IS SO ORDERED:

19 Dated: September 11, 2000



20 THE HONORABLE MANUEL REAL
21 UNITED STATES DISTRICT JUDGE

22 So Stipulated:

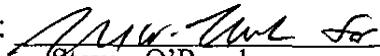
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26 United States Department of Justice

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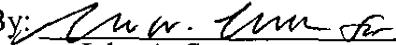
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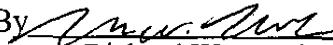
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16 SF_DOCS\252908.1 [W97]

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins, 505 Montgomery Street, Suite 1900, San Francisco, CA 94111-2562.

On September 7, 2000, I served the following document described as:

**STIPULATED [PROPOSED] ORDER REGARDING USE OF CERTAIN
DEPOSITIONS AT TRIAL**

by serving a true copy of the above-described document in the following manner:

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8 I am familiar with the office practice of Latham & Watkins for collecting and processing
9 documents for mailing with the United States Postal Service. Under that practice, documents are
10 deposited with the Latham & Watkins personnel responsible for depositing documents with the United
11 States Postal Service; such documents are delivered to the United States Postal Service on that same day
in the ordinary course of business, with postage thereon fully prepaid. I deposited in Latham & Watkins'
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See Attached List

14 I declare that I am employed in the office of a member of the Bar of, or permitted to
15 practice before, this Court at whose direction the service was made and declare under penalty of perjury
that the foregoing is true and correct.

Executed on September 7, 2000, at San Francisco, California.

Sandra Nelson

UNITED STATES AND STATE OF CALIFORNIA v. MONTROSE CHEMICAL CORPORATION OF CALIFORNIA, et al., CV-90-3122-R

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